

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2008-171-C - ORDER NO. 2008-386

MAY 22, 2008

IN RE: Petition of BellSouth Telecommunications,)	ORDER GRANTING
Incorporated d/b/a AT&T South Carolina for)	NANPA NXX RELIEF
Review of NANPA NXX Code Assignments)	
in the Seneca Rate Center)	

This matter comes before the Public Service Commission of South Carolina ("Commission") on the Petition of BellSouth Telecommunications, Inc. d/b/a AT&T South Carolina ("AT&T" or the "Company") for Review of the North America Numbering Plan Administration ("NANPA") central office code numbering resources in the 864 area code. According to AT&T, on April 11, 2008, AT&T requested that NANPA assign a ten thousand number block in either the (864) 883, 877, or 894 NXX to meet the numbering resource demands of the Oconee Nuclear Station owned by its customer Duke Energy Carolinas, LLC. The Oconee Nuclear Station maintains an existing dialing plan in the Seneca, South Carolina exchange. NANPA refused to provide the requested numbering resources because the Seneca Rate Center fails to meet the rate center based months-to-exhaust ("MTE") and utilization criteria set forth in the Central Office Code NXX Guidelines.

NANPA's refusal stems from the Federal Communications Commission's ("FCC") "rate center" basis for determining the need for new numbering resources.

Under FCC rules, carriers must exhaust their numbering inventory within six months of the application and meet a rate center utilization threshold of 75 percent in order to receive additional numbering resources. However, the record reveals that the Seneca Rate Center is 9.43 months from exhausting their inventory and is using 74.85 percent of its numbering resources.

AT&T petitions the Commission to reverse NANPA's decision. The Company states that it does not have the resources in the Seneca rate center necessary to serve the needs of its customer and will therefore be unable to provide the telecommunications services requested by this customer if the additional numbering resources are not obtained. Although AT&T fails to meet NANPA's requirements, the FCC maintains a policy that "under no circumstances should customers be precluded from receiving telecommunications services of their choice from providers of their choice for want of numbering resources." FCC 000-429 at ¶ 61. To this end, the FCC allows carriers to challenge a NANPA decision at the appropriate state regulatory commission. FCC 01-362 at ¶¶ 61-66; Central Office Code (NXX) Assignment Guidelines § 13.0. States may grant relief "if a carrier demonstrates that it has received a request for numbering resources in a given rate center that it cannot meet with its current inventory." FCC 01-362 at ¶ 64.

We find that the South Carolina Public Service Commission, as the regulator of the rates and service of telecommunications companies under the authority of S.C. Code Ann. § 58-9-210 et seq., has the authority under both the FCC's rules and the Central Office Code (NXX) Assignment Guidelines to review a decision by NANPA denying a

request for numbering resources. We further find that AT&T has demonstrated receipt of a customer request for numbering resources in the Seneca Rate Center that it cannot meet with its current inventory. It is our opinion that these additional numbering resources are necessary for AT&T to provide this customer with its required telecommunications service. Consequently, we hold that NANPA is directed to approve AT&T's code assignment of the ten thousand number blocks in either the (864) 883, 887, or 894 NXX that it recently requested for the Seneca Rate Center.

This Order shall remain in full force and effect until further order of the Commission.

BY ORDER OF THE COMMISSION:



G. O'Neal Hamilton, Chairman

ATTEST:



C. Robert Moseley, Vice Chairman

(SEAL)